

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>ESCAPES!, INC.,</b>	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL ACTION NO: 09-00515-KD-M</b>
	)	
<b>LEGACY LAND &amp; DEVELOPMENT</b>	)	
<b>LLC; et al.,</b>	)	
<b>Defendants.</b>	)	

**ORDER**

After due and proper consideration of all pleadings in this file, and a *de novo* determination of those portions of the Recommendation to which objection is made (Docs. 250, 251, 252, 253), the Report & Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated June 3, 2011, is **ADOPTED** as the opinion of this Court.

It is **ORDERED** that the Plaintiff's Motion for Default Judgment Against Defendants Kearney and Balliett (Doc. 223) is **GRANTED**, and that a **DEFAULT JUDGMENT** is hereby entered against Defendant William Kearney and Defendant Dolores Balliett. Defendant Allan A. Buniak remains in this action. The Clerk has already entered a default against Legacy Land & Development, LLC and Escapes Acquisition Company, LLC on October 26, 2009 for failure to plead or otherwise defend (Doc. 24).

**DONE and ORDERED** this the **23<sup>rd</sup>** day of **June 2011**.

/s/ Kristi K. DuBose  
**KRISTI K. DuBOSE**  
**UNITED STATES DISTRICT JUDGE**